

## **REMARKS**

### **Summary**

Prior to entry of the foregoing amendment, Claims 3, 5, 6, 9, 11-12 and 15-18 were pending with Claims 6, 12, 17 and 18 being independent claims and the remaining claims being dependent claims. Claims 15 and 16 have been canceled without prejudice or disclaimer. Claims 6, 12, 17 and 18 have been amended without adding new matter. Accordingly, upon entry of the foregoing amendment Claims 3, 5, 6, 9, 11-12 and 17-18 are pending with Claims 6, 12, 17 and 18 being independent claims and the remaining claims, i.e., Claims 3, 5, 9, and 11, being dependent claims. Applicant respectfully requests reconsideration of the pending claims based on the amendments above and the remarks below.

### **Rejections Under 35 U.S.C. § 103**

Claims 3, 5, 6, 9, 11, 12 and 15-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shiiyama (U.S. Patent No. 6,400,853) (hereinafter, "Shiiyama") in view of Burns (U.S. Patent No. 5,828,769) (hereinafter, "Burns").

A feature of the present invention (in all of the independent claims) is to limit a subject (a second image) for measuring a similarity index to images having the same pan/tilt/zoom angles as that of a reference image (a first image) of a search condition. Also, a region in the first image and a region in the second image are specified for measuring the similarity index, so as to perform calculation between the specified region of the first image and the specified regions of the second images.

With these features, it is possible to extract only image data having same photographing conditions (pan/tilt/zoom) as that of the reference image, therefore reducing risk that unwanted image data might be included in the search result. Also, since the regions for measuring the similarity index are specified and the similarity index is calculated only in those regions, it is possible to complete the

calculation without being affected by unnecessary portions of the image data, resulting in a faster and more reliable measurement of the similarity index.

On the other hand, the Shiiyama reference tries to provide a technique for measuring the similarity index, which is configured to disregard differences in photographing conditions. That is, in the system disclosed by the Shiiyama reference, a search condition is not set to obtain “images having same photographing conditions (pan/tilt/zoom),” but rather, the search condition is set to obtain “images having different photographing conditions (pan/tilt/zoom) but including same subject.” Therefore, the Shiiyama reference does not teach or suggest the feature of the present invention to decide only images having the attribute information (pan/tilt/zoom) identical to that of the first image data units, as a second image data unit to be subject for measuring similarity index.

The Burns reference discloses that model images (Figs. 4A-4C) having different pan/tilt/zoom angles from that of a current image are compared with patches of the current image. The Burns reference merely discloses that the indices of the current image patches are compared with the indices of the model image patches to identify patch-match pairs. In this example, current image patch “A” will be assumed to correctly match model image patch “A3”. Current image patch “B” will be assumed to correctly match model image patch “B1”. However, current image patch “A” will be assumed to also incorrectly match model image patches “A1”, “A2” and “A4”. Moreover, current image patch “B” will also be assumed to incorrectly match model image patches “B2” and “B3”.

Therefore, the Burns reference does not disclose the feature of the present invention to decide only images having the attribute information (pan/tilt/zoom) identical to that of the first image data units, as a second image data unit to be compared with the first image data unit in measuring similarity index.

Neither the Shiiyama reference or the Burns reference taken alone or in combination teach at least the features of Claim 6 of “determining, among attribute information of remaining image data units other than the first image data unit, whether attribute information in terms of pan angles, tilt angles, and zoom

angles of a camera being used during capturing the remaining image data units is identical to the attribute information of the first image data unit in terms of pan angles, tilt angles, and zoom angles of a camera being used during capturing the first image data unit” and “deciding, among remaining image data units other than the first image data unit, images having the attribute information identical to the attribute information of the first image data units determined, as a second image data unit to be compared with the first image data unit in the measuring similarity index.”

Accordingly, independent Claim 6 is believed allowable.

Independent Claims 12, 17 and 18 include similar features to independent Claim 6 and are believed allowable for at least the same reasons as Claim 6.

The remaining claims are dependent claims. As discussed above, the independent claims are believed allowable. Therefore, the dependent claims are also believed allowable because they depend from an allowable base claim. Furthermore, each dependent claim is also deemed to define an additional aspect of the invention, and individual consideration of each on its own merits is respectfully requested.

### **CONCLUSION**

Applicant respectfully submits that all of the claims pending in the application meet the requirements for patentability and respectfully requests that the Examiner indicate the allowance of such claims.

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

///

///

Should the Examiner have any questions, the Examiner may contact  
Applicant's representative at the telephone number below.

Respectfully submitted,

June 26, 2008

/Marlene Klein/

Date

Marlene Klein, Reg. No. 43,718  
Patent Attorney for Applicant

Canon U.S.A. Inc., Intellectual Property Division  
15975 Alton Parkway  
Irvine, CA 92618-3731

Telephone: (949) 932-3132  
Fax: (949) 932-3560